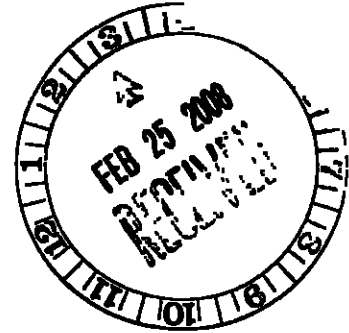


LAW OFFICES
FRITZ R KAHN, P C
EIGHTH FLOOR
1920 N STREET NW
WASHINGTON, DC 20036-1601
(202) 263-4152
FAX (202) 331-8330
e-mail xiccgc@worldnet.att.net

ORIGINAL



February 25, 2008

22/680

VIA HAND DELIVERY - RETURN COPY

Hon Anne K Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

FILED

FEB 25 2008

**SURFACE
TRANSPORTATION BOARD**

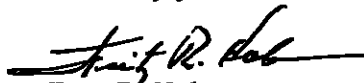
Dear Secretary Quinlan

Enclosed for filing in S1B Docket No AB-33 (Sub-No 253X). Union Pacific Railroad Company--Abandonment Exemption--In Colorado and Wharton Counties, TX. are the original and ten copies of the Petition for Trail Use/Rail Banking Condition of The Metropolitan Transit Authority of Harris County, Texas

This firm's check for \$200 in payment of the filing fee is attached

Additional copies of this letter and of the Petition are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger

Sincerely yours,


Fritz R Kahn

ENTERED
Office of Proceedings

FEB 25 2008

Part of
Public Record

cnc

cc Mack H Shumate, Jr, Esq

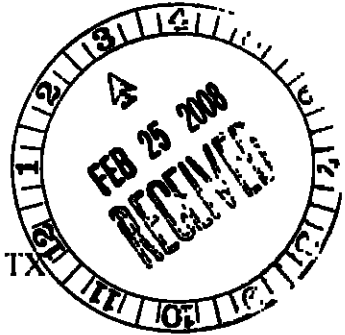
FEE RECEIVED
FEB 25 2008
**SURFACE
TRANSPORTATION BOARD**

ORIGINAL

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No AB-33 (Sub-No 253X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN COLORADO AND WHARTON COUNTIES, TX**



**PETITION FOR TRAIL USE/RAIL BANKING CONDITION
OF
THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**

Cassie B Stinson
Andrews Kurth LLP
600 Travis Street (Ste 4200)
Houston, TX 77002
Tel (713) 220-4684

ENTERED
Office of Proceedings
FEB 25 2008
Part of
Public Record

Fritz R Kahn
Fritz R. Kahn, P C.
1920 N Street, NW (8th fl)
Washington, DC 20036
Tel (202) 263-4152

FILED
FEB 25 2008
SURFACE
TRANSPORTATION BOARD

Attorneys for

**THE METROPOLITAN TRANSIT AUTHORITY
OF HARRIS COUNTY, TEXAS**

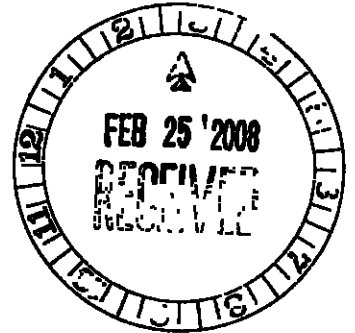
Due and dated February 25, 2008

FEE RECEIVED
FEB 25 2008
SURFACE
TRANSPORTATION BOARD

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No AB-33 (Sub-No 253X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN COLORADO AND WHARTON COUNTIES, TX**



**PETITION FOR TRAIL USE/RAIL BANKING CONDITION
OF
THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**

Petitioner, The Metropolitan Transit Authority of Harris County, Texas, ("METRO"), pursuant to 16 U S C 1247(d), 49 C F R 1152.29, and the Board's Notice, served February 15, 2008, supports the proposed abandonment by the Union Pacific Railroad Company ("UP") of its Chesterville Industrial Lead, extending between Milepost 52.9 near Chesterville and Milepost 61.2 near Eagle Lake in Colorado and Wharton Counties, Texas, and asks that the abandonment authorization be conditioned to allow METRO and UP 180 days to negotiate the terms and conditions for METRO's acquisition of UP's property interest in the line for trails use/rail banking.

METRO is the owner of the real estate underlying the railroad line and of the tracks, ties and other improvements of the Chesterville Industrial Lead, having acquired them and the remainder of the Bellaire Subdivision, between Milepost 3.48 near Bellaire Junction in Houston and Milepost 61.2 at Eagle Lake, subject to the grant to UP of a permanent and unconditional easement enabling UP to continue to render railroad service on the line, in accordance with the decision of the Board's predecessor, the Interstate

Commerce Commission, in Metro Transit Auth of Harris County, TX--Declar Order, 9 I C C 2d 559 (1993)

As the ICC noted in its decision, 9 I C C 2d at 562, METRO sought "the purchase of these rights-of-way [to] guarantee that the properties will continue to be available to meet future community passenger transportation needs should [UP's] operations over these lines be discontinued "

UP ceased operating over the preponderance of the Bellaire Subdivision, between Milepost 3 48 near Bellaire Junction in Houston and Milepost 52 9 near Chesterville, and METRO acquired the UP's property interests in the line for trails use/rail banking, pursuant to the Board's Decision and Certificate of Interim Trail Use or Abandonment in S I B Docket No AB-33 (Sub-No 156). Union Pacific Railroad Company--Abandonment--In Harris, Fort Bend, Austin, Carton and Colorado Counties, TX, served November 8, 2000

UP now has determined to discontinue operations over the remaining 8 3 miles of the Bellaire Subdivision the real estate underlying the railroad line and the tracks, ties and other improvements of which are owned by METRO, namely the Chesterville Industrial Lead, between Milepost 52 9 near Chesterville and Milepost 61 2 near Eagle Lake, a map of which is attached

Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and rail banking under the National Trails System Act, 16 U S C 1247(d), and 49 C F R 1152 29, METRO is willing to assume full responsibility for the management of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way and what had been the UP's property interest in the subject railroad line The railroad line extends between Milepost 52 9 near

Chesterville and Milepost 61 2 near Eagle Lake, a distance of 8 3 miles in Colorado and Wharton Counties, Texas. The UP's property interest in the railroad line is proposed to be abandoned by UP, pursuant to its Notice of Exemption, filed January 28, 2008. A map of the railroad line depicting the right-of-way is attached.

METRO acknowledges that use of the right-of-way is subject to the user's continuing obligation to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail use.


A copy of this statement is being served on the UP on the same date as being filed with the Board.

Respectfully submitted,

THE METROPOLITAN TRANSIT AUTHORITY
OF HARRIS COUNTY, TEXAS

By its attorneys.

Cassie B. Stinson
Andrews Kurth LLP
600 Travis Street (Ste. 4200)
Houston, TX 77002
Tel: (713) 220-4684


Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel: (202) 263-4152

Due and dated: February 25, 2008

EXHIBIT A



LINE TYPE	SYMBOL	DESCRIPTION
UPRR LINES TO BE ABANDONED	Thick solid line	UPRR LINES TO BE ABANDONED
OTHER UPRR LINES	Thin solid line	OTHER UPRR LINES
OTHER RAILROADS	Line with cross-ticks	OTHER RAILROADS
RAILROADS (abandoned)	Line with cross-ticks and dots	RAILROADS (abandoned)
PRINCIPAL HIGHWAYS	Double line	PRINCIPAL HIGHWAYS
OTHER ROADS	Single line	OTHER ROADS
50+ YEAR OLD STRUCTURES	Thick dashed line	50+ YEAR OLD STRUCTURES

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

CHESTERVILLE INDUSTRIAL LEAD

MP 61.5 TO MP 61.9
 0.4 MILES IN COLORADO COUNTY
 0.3 MILES IN BARTON COUNTY
 TOTAL OF 0.7 MILES

UNION PACIFIC RAILROAD CO
 CHESTERVILLE INDUSTRIAL LEAD
 TEXAS


INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

F.R.E. Chesterville Industrial Lead 0253 Chesterville, Texas HEDFL Chesterville DUE-05-10-07 0504

CERTIFICATE OF SERVICE

I certify that I this day served the foregoing Petition for Trails Use/Rail Banking Condition of The Metropolitan Transit Authority of Harris County, Texas, upon the Union Pacific Railroad Company by facsimile transmitting a copy to its attorney, Mack H Shumate, Jr, Esq at (312) 777-2063


Fritz R Kahn